

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings of claims in the application:

**Listing of Claims:**

1. (Currently amended) A method of inhibiting programmed cell death in a maize plant comprising introducing into said plant a construct comprising a programmed cell death inducible promoter operably linked to a nucleotide sequence that ~~inhibits programmed cell death~~ encodes an enzyme that catalyzes the synthesis of cytokinin into said plant, whereby programmed cell death in the lower floret of said plant is inhibited.

2. (Canceled)

3. (Canceled)

4. (Currently amended) The method of claim 3 ~~1~~, wherein the enzyme is isopentenyl transferase.

5. (Original) The method of claim 1, wherein the programmed cell death inducible promoter is SAG12.

6. (Original) The method of claim 5, wherein the SAG12 promoter is from *Arabidopsis thaliana*.

7. (Currently amended) The method of claim 6, wherein the SAG12 promoter is ~~70% identical to~~ SEQ ID NO:1.

8. (Original) The method of claim 1, further comprising detecting increased levels of protein within said plant.

9. (Original) The method of claim 1, further comprising detecting increased levels of oil within said plant.

10. (Original) The method of claim 1, further comprising detecting increased levels of oil and protein within said plant.

11. (Original) The method of claim 1, further comprising detecting the presence of a kernel having multiple embryos.

12. (Original) The method of claim 1, wherein the construct is introduced by a type of sexual cross.

13. (Original) The method of claim 1, wherein the construct is introduced by transformation.

14. (Currently amended) A transgenic maize plant comprising an expression cassette comprising a programmed cell death inducible promoter operably linked to a nucleotide sequence that ~~inhibits programmed cell death~~ encodes an enzyme that catalyzes the synthesis of cytokinin, the maize plant having kernels with multiple embryos.

15. (Canceled)

16. (Canceled)

17. (Currently amended) The transgenic plant of claim ~~16~~ 14, wherein the enzyme is isopentenyl transferase.

18. (Original) The transgenic plant of claim 14, wherein the programmed cell death inducible promoter is SAG12.

19. (Currently amended) A kernel from ~~a transgenic maize plant comprising multiple embryos, wherein the kernel has increased oil and protein content~~ the transgenic plant of claim 14.

20. (Currently amended) A method of inhibiting programmed cell death in a maize plant comprising introducing into said plant a promoter from a floret specific gene

operably linked to a nucleotide sequence that ~~inhibits programmed cell death~~ encodes an enzyme that catalyzes the synthesis of cytokinin into said plant, whereby programmed cell death in the lower floret of said plant is inhibited.

21. (Original) The method of claim 20, wherein the floret specific gene is associated with programmed cell death.
22. (Original) The method of claim 20, wherein the floret specific gene is not associated with programmed cell death
23. (Canceled)
24. (Canceled)
25. (Currently amended) The method of claim ~~24~~ 20, wherein the enzyme is isopentenyl transferase.
26. (Original) The method of claim 20, further comprising detecting increased levels of oil and protein within said plant.
27. (Original) The method of claim 20, further comprising detecting the presence of a kernel having multiple embryos.